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March 2, 1998

VIA FAX TRANSMISSION

Clay Monroe, Esq.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Office of Regional Counsel

New Jersey Superfund Branch

290 Broadway, 17th Floor

New York, NY 10007-1866

Re: 660 Correll Avenue, Somerville, N.J./Color Sciences/Carl Curtis

Dear Mr. Monroe:

This letter will summarize our telephone discussion on Friday. We have reviewed the materials sent under cover of Weston, Inc.'s letter dated January 14, 1998 to Mr. Bechtel of USEPA regarding the referenced site. We are of the view that the results of the test are inconsistent, that there was contamination in the sampling process and in the laboratory, and other significant defects which make the report highly unreliable.

As we informed you, Mr. Curtis and Color Sciences, Inc. are proceeding with their obligations under New Jersey's Industrial Site Recovery Act. Specifically, Color Sciences is preparing and will submit a Preliminary Assessment which will incorporate, to the extent possible, the information supplied in the Weston report. However, the problems with the Weston report likely will necessitate additional sampling on the part of Color Sciences. For that reason, and in order to receive on-site monitoring well data in connection with the adjacent Towne Laboratories proceeding, we are in the process of requesting an extension of time from NJDEP to submit the Preliminary Assessment. We will keep you and Mr. Bechtel advised as to Color Sciences progress with ISRA.

There is no longer any emergency situation at the site, if there ever was. The best way to proceed in remediating whatever environmental contamination exists at the site is through the ISRA process. There is no need for both the Federal and State governments to be involved at this small site. We request that USEPA close this matter and, as we discussed, we will request NJDEP to advise USEPA that the site will be properly addressed under New Jersey law.

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Clay Monroe, Esq.

February 27, 1998

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Please contact me if you have any questions. In the meantime, we will otherwise keep you advised of developments as they occur.

Very truly yours,

WATERS, MCPHERSON, MCNEILL, P.C.

BY:


JAMES A. KOSCH

JAK/sf

cc: Mr. Carl S. Curtis
Doug A. Stuart

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region II

290 Broadway - 17th Floor
New York, New York 10007-1868

FACSIMILE REQUEST AND COVER SHEET

TO: JEFF BECHTEL

OFFICE:

PHONE:

FAX: 732

FROM:

CLAY MONROE

OFFICE:

Office of Regional Counsel
New Jersey Superfund Branch

PHONE:

212-637-

FAX:

(212) 637-3096 Confirmation (212) 637-3251.

DATE:

SUBJECT:

Number of Pages (including cover sheet):

Message:

JEFF, ~~Q~~ FROM THE LETTER IT'S OBVIOUS
THEY'RE NOT TOO ANXIOUS TO COOPERATE W/
US. IF WE REALLY WANT THE LEAD ON THIS,
I THINK WE WOULD HAVE TO GO THE WAO
ROUTE.